

REMARKS

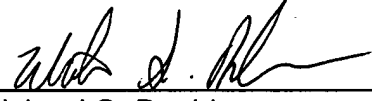
Claims 1, 3-15, 17-26, 39 and 40 are pending in the Application. Claims 1 and 13 have been amended to include the feature that the microstructure is moveable toward the passivation layer so as to touch the passivation layer. Initially, Applicant gratefully acknowledges the courtesies extended in granting the interview on January 15, 2004. In the interview, Figures 12-18 of *Noguchi et al.* were discussed including Fig. 18(d), which Applicant's representative asserted showed that electric conduction film (8) does not touch insulator layer (16) and therefore does not teach or suggest stiction alleviation. The Examiner agreed that Fig. 18(d) of *Noguchi et al.* did not teach this feature. Applicant's representative then offered to amend the independent claims to recite the feature that microstructure is moveable toward the passivation layer so as to touch the passivation layer.

Applicant requests that the Examiner reconsider the rejected claims based on *Noguchi et al.* in light of the above-noted amendment. The amendments to the claims were not made earlier because Applicant believed that the prior claims adequately captured the stiction alleviation aspect of the invention. Moreover, the present amendments are necessitated by the Examiner interview which took place on January 15, 2004. Finally, the amendments made herein present the rejected claims in better form for consideration on appeal, if necessary. Applicant, however, submits that the claims are allowable over the art of record. A notice of allowability is respectfully requested.

Respectfully submitted,

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